

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8306 OF 2005

Smt.Saifulla Abubakar Inamdar
and Ors. .. Petitioners

Vs.

Dhanaji R.Chavan and Ors. ..Respondents

Mr.N.D.Hambalkar for the petitioners

Mr.I.M.Khairdi i/b Mr.V.B.Naik for respondent no.1
to 3

CORAM : S.U.KAMDAR, J
DATED : 19TH DECEMBER, 2005

P.C.:

1. The present petition is challenging the order dt.20.10.05 refusing to grant amendment to the written statement. On perusal of the order, it seems that the application was rejected on the ground that it is seeking to wipe out the admissions extracted in the cross-examination.

2. I do not find any such case being made out. Amendment which is proposed seeks to add para 18A by which the defendant seeks to claim that the plaintiff is not entitled to claim declaration

relief as decrees passed in other two suits being Regular C.S.No.414 of 1970 and Suit No.452 of 1964 are not enforceable and the same are unexecutable.

3. In that light of the matter, impugned order cannot be sustained. Impugned order is set aside. Application on Ex.273 in R.C.S.No.11 of 2004 is granted. Amendment to be carried out within 3 weeks. The learned counsel for the petitioner gives an undertaking that he will not lead down any further oral evidence in support of the amendment sought to be inserted. However, he will rely upon papers and proceedings in Regular C.S.No. 414 of 1970 and Suit No. 452 of 1964. With the aforesaid clarification, petition is made absolute. No order as to costs.